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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MANUAL GEORGE ADAM NEREZ, III,
11 Petitioner,
12 vs.
13 DWIGHT NEVEN, *et al.*,
14 Respondents.

Case No. 2:15-cv-02210-RFB-PAL
ORDER

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16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
17 by a Nevada state prisoner.

18 Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the
19 petition. When filing a habeas action, petitioner must either submit the \$5.00 filing fee for habeas
20 petitions or an application to proceed *in forma pauperis*. Due to the lack of an *in forma pauperis*
21 application or filing fee, the present action will be dismissed without prejudice to the filing of a new
22 petition in a new action with a pauper application with all required attachments. It does not appear from
23 the papers presented that a dismissal without prejudice would result in a promptly-filed new petition
24 being untimely. In this regard, petitioner at all times remains responsible for calculating the running
25 of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus
26 action.

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1 **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the
2 filing of a **new petition in a new action**.

3 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send petitioner two copies of
4 an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two
5 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

6 **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he
7 may not file further documents in this action.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable
9 jurists would not find the dismissal of the improperly-commenced action without prejudice to be
10 debatable or wrong.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

12 DATED this 2nd day of December, 2015.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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